

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2773 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE CO-OPERATIVE LAND DEVELOPMENT BANK LTD.

Versus

GUJARAT STATE CO-OPERATIVE LAND DEVELOPMENT BANK LTD.
EMPLOYEES' MAZDOOR SABHA

Appearance:

MR NV ANJARIA for Petitioner

MR KV GADHIA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/11/1999

ORAL JUDGEMENT

1. Challenge has been made by this special civil application under Article 227 of the Constitution by the Gujarat State Cooperative Land Development Bank Ltd. to the award of the Industrial Tribunal, Ahmedabad dated 19th December, 1988 in Reference ((IT) No.305 of 1986. The operative part of this award, reads as under:

The Supervisors, who were in the employment of the Bank on the date of reference and who have passed in the examination as per the Circular Ex.24 be granted two advance increments from 1-7-1986.

They should be given the arrears of pay, etc. on the basis of this award within two months of the publication of this award. No order as to costs.

2. From the facts of this case, on which there is no dispute, in the Corporation by resolution it has been provided from time to time that those employees of the category mentioned therein who obtained the postgraduate degree or double degree are entitled for two advance grade increments. Earlier these benefits were available as a rule on securing postgraduate decree or second degree, as the case may be, but later on it has been provided that these benefits are only available on good record of the employee as well as the report of the higher officer as regards work and conduct of the concerned employee. Thereafter, under the resolution dated 18th February, 1965, the petitioner has decided to stop giving advance increments to the persons who have passed their postgraduate degree examination or obtained degree in any other faculty while in service. There is another resolution of the petitioner dated 18th October, 1965 which provides that these benefits are available to those employees who have passed the examination within one year from the date of the resolution dated 17th August, 1964.

3. I fail to see any justification in this action of the petitioner. Once it is decided that the employees are to be given the benefit of advance grade increments on passing of the postgraduate examination or obtaining second degree it has to be provided to all the employees and it can not be restricted to one class of employees. Prospectively such benefit can be discontinued but to give the benefit only to those persons who have passed the examination within one year from the date of resolution dated 17th August, 1965, denying these benefits to the persons who have already obtained the postgraduate degree or double degree is not justified. The Industrial Tribunal has taken the correct view and rightly it has decided to give these benefits to those employees who have already obtained the postgraduate degree or double degree. These benefits have been given from 1-7-1986 to which no exception can be taken. It is just and reasonable award which has been passed by the Tribunal and the learned counsel for the petitioner has

failed to point out any illegality much less any error apparent on the face of the award which calls for the interference of this court. The award is just and reasonable to which no exception can be made.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-